IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 29911 of 2007(J)

PETITIONER:

SUDHAKARAN C.V., AGED 54 YEARS,
S/O. LATE K.A. KURUMBA, CHANDRAVALAPPIL HOUSE,
MADAYILKONAM P.O., IRINJALAKUDA, WORKING AS
LAB ASSISTANT, G.H.S.S., IRINJALAKUDA,THRISSUR.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.GEORGE THOMAS
SMT.K.S.CHANDRIKA

RESPONDENTS:

1. GOVERNMENT OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. THE DIRECTOR,
HIGHER SECONDARY EDUCATION, HOUSING BOARD BUILDING,
SANTHI NAGAR, THIRUVANANTHAPURAM.

4. THE DEPUTY DIRECTOR OF EDUCATION,
THRISSUR.

5. THE PRINCIPAL,
G.G.H.S.S., IRINJALAKUDA, THRISSUR DISTRICT.

6. THE ACCOUNTANT GENERAL (A & E), KERALA, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P (C).NO. 29911 OF 2007 - J

Dated this the 9th day of October, 2007

J U D G M E N T

The petitioner retired while working as Lab Assistant in a Government school. He got appointment in recognition of his right for compassionate employment under the dying-in-harness scheme of the Government. Since there was delay in recognising his right for appointment, he did not have sufficient service for being eligible for minimum pension. According to the petitioner, if he had 54 days' more service, he would have got more than 9 years service and thus he would have become eligible for minimum pension. The contention is that since it was, on account of delay by the Government in giving appointment in recognition of his right under the compassionate employment scheme in time, that the petitioner lost precious service, the petitioner's service should be computed in such a way as to make him eligible for minimum pension. The

petitioner has filed Ext.P2 representation in this regard. The petitioner seeks a direction to the third respondent to consider and pass appropriate orders on Ext.P2 expeditiously.

2. I have heard the learned Government Pleader also.

3. In the facts and circumstances of the case, I direct the third respondent to consider and pass appropriate orders on Ext.P2, after affording an opportunity of being heard to the petitioner, as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED: 07-09-2007